



Docket No.: C1037.70039US01  
(PATENT)

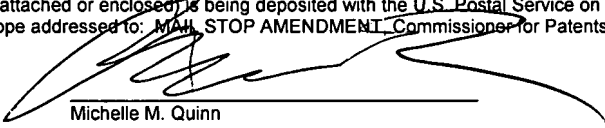
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Heather L. Davis et al.  
Serial No.: 10/816,220  
Confirmation No.: 8632  
Filed: April 1, 2004  
For: IMMUNOSTIMULATORY NUCLEIC ACID OIL-IN-WATER  
FORMULATIONS AND RELATED METHODS OF USE  
Examiner: N. M. Minnifield  
Art Unit: 1645

**Certificate of Mailing Under 37 CFR 1.8(a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: May 11, 2007

  
Michelle M. Quinn

**RESPONSE TO ELECTION OF SPECIES REQUIREMENT**

MAIL STOP AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the species election requirement mailed from the U.S. Patent and Trademark Office on April 16, 2007, Applicant hereby elects the following species:

- (a) a disease/condition/infection that is herpes simplex virus infection as recited in claim 70;
- (b) an anti-viral agent that is acyclovir as recited in claim 75;
- (c) an immune response that is an innate immune response as recited in claim 91; and
- (d) an immunostimulatory nucleic acid having the nucleotide sequence of SEQ ID NO 150 as recited in claim 82.

These elections embrace at least claims 1, 64, 66, 67, 69-75, 77-85, 89 and 91.